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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,100	02/09/2004	Arthur Richard Powers Jr.	P-0301 ARP	2099
28752 7590 06/01/2007 LACKENBACH SIEGEL, LLP LACKENBACH SIEGEL BUILDING 1 CHASE ROAD SCARSDALE, NY 10583			EXAMINER LE, HUYEN D	
			ART UNIT 2615	PAPER NUMBER
			MAIL DATE 06/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/708,100	Applicant(s) POWERS, ARTHUR RICHARD	
	Examiner HUYEN D. LE	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/20/07.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-35 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-20, 27 and 28 drawn to a cylindraceous stage speaker system that comprises a cylindraceous body unit, a cylindraceous rear cover unit, securing or clamping means, shielding unit, and a ratio of the total length of the stage speaker system being defined along a first axis to a maximum diameter of the stage speaker system, classified in class 381, subclass 386.
 - II. Claims 21-25, drawn to a computer controlled stage speaker system that comprises at least one speaker system, at least one multiparameter lighting unit system and computer control means enabling a communication means for directing the stage speaker system to position-ably reposition based upon a series of stored and programmable movement commands, classified in class 315, subclass 292.
 - III. Claim 26, drawn to a method of mounting at least one stage speaker system that comprises the steps of selecting the stage speaker system, positionably determining the stage speaker system on a stage lighting assembly structure proximate the stage lighting units, and synchronized controlling the stage lighting units and the stage speaker system, classified in class 315, subclass 312.
 - IV. Claims 29-32, drawn to a construction of the combination of a stage speaker unit and a multi-parameter stage lighting unit, wherein the stage lighting unit includes a first housing having a first open end and first means for adjustably fixing the first housing to an external lighting unit support structure, and wherein the stage

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speaker unit includes at least a second housing having a second open end and second means for adjustably fixing the second housing to the external lighting unit support structure, classified in class 315, subclass 294.

- V. Claims 33-35, drawn to a stage speaker system that comprises a heat sink element, a heat radiation coating or a heat radiation element on an external surface of at least one of a body unit, a rear cover unit, a shielding unit, classified in class 381, subclass 397.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I and Groups II-V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination in Group II is separately usable. In the instant case, subcombination of the computer control means has separate utility such as computer control means enabling a communication means for directing the stage speaker system to position-ably reposition based upon a series of stored and programmable movement commands, and means for initiating at least one of a sound generation, a sound synthesis and a sound reproduction of a digital signal or analog signal according to a programmable and updatable computer controlled sequence stored in the computer control means; and the subcombination of the combination of a stage speaker unit and a stage lighting unit in Group IV has separate utility such as first means for adjustably fixing the first housing of the stage lighting unit to an external lighting unit support structure, and second means for adjustably fixing the second housing of the stage speaker system to the external lighting unit support structure, whereby the stage lighting unit and the stage speaker system are substantially

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and include substantially similar outward appearance. Further, the subcombination of the stage speaker system in Group V has a separate utility such as a heat sink element, a heat radiation coating or a heat radiation element on an external surface of at least one of a body unit, a rear cover unit, a shielding unit. See MPEP § 806.05(d).

3. Because these inventions are independent or distinct for the reasons given above, the inventions require a different field of search (see MPEP § 808.02), have acquired a separate status in the art in view of their different classification, and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In

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either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Response to Arguments

5. Applicant's arguments filed 3/20/07 and 6/29/06 have been fully considered but they are not persuasive.

Responding to the arguments about the groupings between Groups I (claims 1-11), II (claims 12-20), V (claim 27) and Groups VII (claims 29-32) and VIII (claims 33-35), the examiner refers to the Office Action.

Independent claim 1, claims 12, claim 27 and claim 28 are in the same Group I.

Claims 29-32 are in Group IV since and the subcombination of the combination of a stage speaker unit and a stage lighting unit has separate utility such as first means for adjustably fixing the first housing of the stage lighting unit to an external lighting unit support structure, and second means for adjustably fixing the second housing of the stage speaker system to the external lighting unit support structure, whereby the stage lighting unit and the stage speaker system are substantially and include substantially similar outward appearance.

Claims 33-35 are in Group V since the subcombination of the stage speaker system in these claims has a separate utility such as a heat sink element, a heat radiation coating or a heat radiation element.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN D. LE whose telephone number is (571) 272-7502. The examiner can normally be reached on 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SINH TRAN can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HL
May 25, 2007



HUYEN LE
PRIMARY EXAMINER